

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JEFFREY JAMES DERKE,

Plaintiff,

v.

Case No. 23-cv-1144-pp

STATE OF WISCONSIN,

Defendant.

**ORDER DIRECTING PLAINTIFF TO FILE SIX-MONTH TRUST ACCOUNT
STATEMENT**

On September 25, 2023, the court ordered the plaintiff to file a certified copy of his trust account statement or statements covering the period from March 2023 through August 2023, or proof demonstrating that he could not submit the trust account statement(s). Dkt. No. 5 at 2. The court told the plaintiff that if it did not receive either the trust account statement(s) or proof that the plaintiff could not obtain the statement(s) by the end of the day on October 17, 2023, it would dismiss his case without prejudice. Id. The plaintiff has filed a letter stating, “the GBCI staff is forcefully stoping [sic] any access to my copies of my trust account that you’ve requested be sent to the courts!” Dkt. No. 6. Attached to the plaintiff’s letter are nineteen pages of documents, but none of the documents demonstrate that Green Bay Correctional Institution staff members have prevented the plaintiff from submitting his trust account statement. Dkt. No. 6-1.

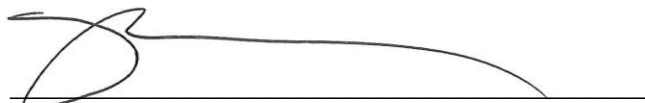
The court will give the plaintiff another opportunity to submit his trust account statement. If, by the deadline set below, the court does not receive a certified copy of the plaintiff’s trust account statement or statements covering

the period from March 2023 through August 2023, or proof that the plaintiff cannot submit it, this case will be dismissed without prejudice. “Proof” means that the plaintiff must submit an affidavit or unsworn declaration under 28 U.S.C. §1746¹ explaining that he requested his trust account statement according to prison policy and that prison staff members denied his request; he must include documentation showing his request(s) to staff members and their response(s), if available. The court will mail a copy of this order to the warden at Green Bay Correctional Institution, where the plaintiff is housed.

The court **ORDERS** that by the end of the day on **November 22, 2023**, the plaintiff must file a certified copy of his trust account statement or statements covering the period *from March 2023 through August 2023*, or he must file proof demonstrating that he cannot submit the trust account statement(s). If the court does not receive either the trust account statement(s) or proof that the plaintiff cannot obtain the statement(s) by the end of the day on November 22, 2023, the court will dismiss this case without prejudice without further notice or hearing.

Dated in Milwaukee, Wisconsin this 23rd day of October, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge

¹ At the bottom of his declaration the plaintiff should state: “I declare under penalty of perjury that the foregoing is true and correct. Executed on [date]. [Signature].” 28 U.S.C. §1746(2).